

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, and Bill Seuell, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Seuell to approve the minutes of September 16, 2008 Regular Meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Hotel/Restaurant Liquor License Renewals: Fiesta Vallarta Delta Inc./DBA Fiesta Vallarta Delta; Medrano Inc./DBA Leon's Mexican Restaurant

City Clerk Jolene Nelson explained that both applications are complete and the required fees have been paid. The Police Department's reports indicate no violations and recommends approval of both renewals.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve Fiesta Vallarta Delta Inc./DBA Fiesta Vallarta and Medrano Inc./DBA Leon's Mexican Restaurant Hotel/Restaurant Liquor License Renewals. All in favor, motion carried.

Retail Liquor Store License Renewal: Grand Valley Convenience Store, LLC/DBA Grand Valley Liquors

The Clerk stated that the application for renewal is complete and the fees have been paid. The Police Department's report indicates no violations and recommends approval.

It was moved by Councilmember Seuell and seconded by Councilmember Carlquist to approve Grand Valley Convenience Store, LLC/DBA Grand Valley Liquors' Retail Liquor Store License Renewal. All in favor, motion carried.

Resolution #8, 2008; Identity Theft Prevention Program

Resolution #8, 2008

A RESOLUTION OF THE CITY OF DELTA, COLORADO,
IMPLEMENTING AN IDENTITY THEFT PREVENTION
PROGRAM

was read by the Clerk.

Finance Director Tod DeZeeuw explained that the Federal Trade Commission has issued regulations requiring financial institutions and creditors to develop and implement an identity theft prevention program as part of the Fair Accurate Credit Transaction Act of 2003. This program must be in place by November 1, 2008 by resolution which is in front of Council tonight. Mr. DeZeeuw stated that the City of Delta is a creditor due to the utilities accounts. He also explained what kind of changes the finance department will be doing as part of this program.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Resolution #8, 2008. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Seuell aye and Cooper aye, Motion carried.

Regular Meeting, Delta City Council, October 7, 2008 (Cont.)

Purchase of Property at 117 Columbia Street

Assistant City Manager Steve Glammeyer stated that Council authorized staff to have the City Attorney prepare a purchase agreement for the house located at 117 Columbia Street. Mr. Schottelkotte has prepared the agreement and the owner has signed the agreement agreeing to sell the house for the appraised price of \$115,000. Mr. Glammeyer explained where the City is at with the budget.

It was moved by Councilmember Carlquist and seconded by Councilmember Seuell that the City enters into the purchase contract for the purchase of property located at 117 Columbia Street for future right-of-way for the alternate truck route project. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Seuell aye, and Cooper aye. Motion carried.

Wastewater Treatment Plant HVAC Re-build Project

Assistant City Manager Steve Glammeyer explained that the City's wastewater treatment plant HVAC system is over 20 years old and is in need of replacement. Staff budgeted \$140,000 to replace the system in 2008. The project was advertised for bid last month and had 5 bidders attend the mandatory pre-bid walkthrough. Mr. Glammeyer stated that staff received two bids on the project. He feels that the system proposed by Suppes Heating and Cooling will give a long life and energy efficient system. Staff is asking that Council award Option 3 for the headworks area, Option 2 for the shop, and the lab/office component for a total bid amount of \$111,100.

Utilities Director Fay Mathews stated that there is not natural gas out there and therefore staff is looking at electric units. Mr. Mathews explained where these monies will come from in the budget.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist that the City award the contract for the replacement of the HVAC system at the wastewater treatment plant to Suppes Heating and Cooling for \$111,100 and authorize the City Manager to sign said contracts after review and signature from the City Attorney. All in favor, motion carried

Council Bill #9, 2008; First Reading
Mobile Home Parks Definition

Council Bill #9, 2008

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMMENDING SUBSECTION 15.52.010B OF THE DELTA
MUNICIPAL CODE FOR THE PURPOSE OF REDEFINING THE
TERM "MOBILE HOME PARK" TO CONFORM WITH OTHER
SUBSTANTIVE PROVISIONS OF CHAPTER 15.52 OF THE
CODE REGULATING MOBILE HOME PARKS

was read by the Clerk.

Community Development Director Glen Black explained that the City of Delta Municipal Code requires travel home and mobile home parks containing three or more units to obtain a license. However, the definition of a "mobile home park" defines a park as containing two or more units. This discrepancy has created confusion concerning the requirements for a mobile home park of two units which does not require a license. Staff would like to be consistent and would recommend changing the definition to three or more. Mr. Black answered questions from Council on how it would affect the City.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Council Bill #9, 2008 on first reading. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Pfalzgraff aye, Seuell aye and Cooper aye. Motion carried.

Proclamation: Elsie Ahlberg Day

Mayor Cooper read the proclamation for Elsie Ahlberg Day.

Regular Meeting, Delta City Council, October 7, 2008 (Cont.)

City Attorney Comments

City Attorney Michael Schottelkotte explained that the motion to go into an executive session needs to include litigation attorney Earl Rhodes.

City Manager Comments

City Manager Lanny Sloan stated that Fay Mathews would like to present a few items to Council and then he has a few things himself.

Utilities Director Fay Matthews stated that the City is doing the fall cleanup again this year and presented the schedule.

Mr. Mathews updated Council on the transmission project. They have been meeting monthly on the project and will be obtaining the BLM permit in March or April. They split the project up to the east/west project which runs to the Dough Spoon Road and the north/south which brings it into the City. They have to have the east/west area done first and hope to be in construction in 2009 with that project. Currently they are waiting on the BLM permit and they are dealing with six land owners for the right-of-way acquisitions and easements. Mr. Mathews stated that they started this project in 2002. Tri-State will be getting the City construction cost estimates. The completion date for the project is July of 2010.

Mr. Mathews also updated Council on the Big Battlement Reservoir. There is seepage below the dam so staff has investigated the situation with the Colorado Dam Inspector. They have identified the problem. The Colorado Dam Inspector sent a letter stating that any repairs would have to be done by an engineer and that they wouldn't consider this maintenance work. Mr. Mathews stated that they have entered into a contract with Buckhorn Geotech to identify where the leak is. Buckhorn Geotech will put together a construction plan to do the repairs and submit it to the state. He stated that they hope to repair it in 2009. The state has agreed to Steve Glammeyer being the inspector which will allow staff to complete this project in house. Mr. Mathews answered questions from Council concerning the spillway and what type of damage could occur if not fixed.

Mr. Mathews stated that the City is taking over some of Tri-county's water customers. They will be taking over Orchard Estates which consists of 68 homes on November 10th.

City Manager Lanny Sloan explained that the City Clerk is working on making the agenda packets digital.

Mr. Sloan stated that their next budget meeting will be on the 28th of this month. The Finance Director will try to get the budget to Council by the 20th.

Mr. Sloan also advised Council of another project that the City may be a pass through for a CDBG grant for Hilltop to purchase a house that they currently use as the safe house. This house is currently owned by the Delta Housing Authority who is trying to sell the house. Hilltop is trying to purchase the house to keep the safe house here in Delta.

Councilmember Comments

Councilmember Carlquist stated that there are objectives in the new comprehensive plan that Council needs to start looking at. She would like to see a work session planned with Planning and Zoning to start working on those objectives.

Councilmember Seuell commented on Bluff Street and 3rd Street being nicer to drive on.

Mayor Cooper stated that she attended a Project 7 meeting and that they worked on the budget. She also stated that she enjoyed being a judge for the homecoming parade. She also attended a meeting with the County Commissioners last Monday.

Executive Session

It was moved by Councilmember Carlquist and seconded by Councilmember Seuell to convene an Executive Session for a conference with the City Attorney and the City's Litigation Attorney for the purpose of receiving legal advice on specific legal questions pursuant to CRS 24-6-402(4)(b), or more specifically, to receive legal advice on the Appeal of the City Council decision on the Burns/Miles Rezone Request. All in favor, motion carried.

Regular Meeting, Delta City Council, October 7, 2008 (Cont.)

Executive Session (cont.)

At 7:47 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 8:10 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Kay Carlquist, Robert Jurca, and Bill Seuell, along with City Manager Lanny Sloan, City Litigation Attorney Earl Rhodes via phone, City Attorney Mike Schottelkotte, and City Clerk Jolene Nelson. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated

The meeting was immediately adjourned.

Jolene E. Nelson, City Clerk